

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JESSIE ROSNER,

Plaintiff,

v.

WELLPATH, et al.,

Defendants.

No. 1:24-cv-01145-KES-SAB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
ACTION

(Doc. 16)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 1, 2025, the assigned magistrate judge entered findings and recommendations, recommending that plaintiff's case be dismissed without prejudice for failure to state a claim, failure to prosecute, and failure to comply with a court order. Doc. 16. The findings and recommendations were served on plaintiff and contained notice that objections were to be filed within 14 days of service. *Id.* at 8. No objections have been filed and the time in which to do so has passed.

On April 7, 2025, plaintiff filed a motion for an extension of time to file an amended complaint. Doc. 17. On April 10, 2025, the magistrate judge granted plaintiff's motion and

1 ordered an amended complaint be filed within 30 days. Doc. 18. The findings and  
2 recommendations were held in abeyance pending the filing of an amended complaint. *Id.*  
3 However, the magistrate judge indicated that no further extension of time for plaintiff to file an  
4 amended complaint would be granted, and plaintiff was warned that failure to comply with the  
5 order would result in the findings and recommendations being deemed submitted and could  
6 result in dismissal of the action. *Id.* at 4. Plaintiff has failed to comply with the April 10, 2025  
7 order and the time to do has passed.

8 In accordance with 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of  
9 this case. After carefully reviewing the file, the Court finds that the findings and  
10 recommendations are supported by the record and proper analysis.

11 Accordingly, it is HEREBY ORDERED that:

- 12 1. The findings and recommendations issued on April 1, 2025, Doc. 16, are ADOPTED  
13 IN FULL;
- 14 2. This action is DISMISSED for failure to state a claim, failure to prosecute, and  
15 failure to comply with a court order; and
- 16 3. The Clerk of Court is directed to CLOSE this case.

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19 IT IS SO ORDERED.

20 Dated: May 29, 2025

  
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UNITED STATES DISTRICT JUDGE